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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,290	04/14/2004	C. Todd Praisner	014033-000123	6053
69603 7590 11/01/2007 MOORE & VAN ALLEN, PLLC FOR BOFA 430 DAVIS DRIVE, SUITE 500 POST OFFICE BOX 13706 RESEARCH TRIANGLE PARK, NC 27709			EXAMINER SNEED, KWELLI D	
			ART UNIT 4172	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/824,290	Applicant(s) PRAISNER, C. TODD	
	Examiner Kwelli D. Sneed	Art Unit 4172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 13 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/14/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Note to Applicant

The following detailed action was examined under the premise that the invention set forth is a form of the business and financial practice of factoring accounts receivables, which is defined as being a procedure in which a firm can sell its accounts receivable invoices to a factoring firm, which pays a percentage of the invoices immediately. For the sake of examination this is the viewpoint of the Examiner throughout the course of the examination as well as supported by the claim language set forth by applicant's specification.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1, the applicant makes a reference to, "generating a pseudo-credit transaction," and "settling, the pseudo-credit transaction." In examination of this application, the Examiner referred to the specification as a means in understanding the concept of "pseudo-credit" and how to enable "pseudo-credit" as claimed in Claim 1. The specification offered no additional explanation/definition as to what "pseudo-credit" is and/or explain how to thoroughly enable Claim 1. Therefore Claim 1 offers enablement issues that must be resolved, so that one of ordinary skill in

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the art of finance would have the ability to enable Claim 1 without undue experimentation.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas A. Johnson, (*Internal Auditing. Accounts Receivable Financing* Boston: Fall 1990. Vol.6, Iss. 2; pg 61); in view of Mie Yun Lee (*Kansas City Business Journal: Factoring Can Smooth out Bottom of Cash Flow Cycle*) Vol.16, Issue 28; March 27, 1998 p. 38) and in further view of Slater et al. (US Patent Number 6,098,053).

As per Claim 1, Thomas A. Johnson, (*Internal Auditing. Accounts Receivable Financing* Boston: Fall 1990. Vol.6, Iss. 2; pg 61); discloses a method for pushing credit payments as buyer initiated transactions, comprising:
determining payment instructions for an accounts payable, the accounts payable representing a purchase made by a buyer from a merchant, see (Thomas A. Johnson *Internal Auditing. Accounts Receivable Financing*, Boston: Fall 1990. Vol.6, Iss. 2; pg

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61; Abstract Summary lines 1-3); communicating electronically the payment instructions from the buyer to an acquirer, see (Thomas A. Johnson Internal Auditing. Accounts Receivable Financing Boston: Fall 1990. Vol.6, Iss. 2; pg 61; Abstract Summary line 4); the acquirer being an entity that buys credit card receipts from merchants see,(Thomas A. Johnson Internal Auditing. Accounts Receivable Financing Boston: Fall 1990. Vol.6, Iss. 2; pg 61; Abstract Summary line 4);

Johnson does not disclose generating a pseudo-credit transaction based upon the payment instructions, the pseudo-credit transaction representing the buyer initiated payment; and settling the pseudo-credit transaction.

Mie-Yun-Lee. (*Kansas City Business Journal*: Vol.16, Issue 28; March 27, 1998) disclose generating a pseudo-credit transaction based upon the payment instructions, the pseudo-credit transaction representing the buyer initiated payment; and settling the pseudo-credit transaction, see (*Kansas City Business Journal*: Factoring Can Smooth out Bottom of Cash Flow Cycle) Vol.16, Issue 28; March 27, 1998 p. 38, lines 6-8 and 9, and 11-12)

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the knowledge set forth by Thomas A. Johnson and Mie-Yun Lee to see that the purchaser of the accounts receivable is able to allow customers to make payments against accounts payable by using all electronic forms funds transfer.

As per Claim 2, Thomas A. Johnson, does not disclose a method utilizing merchant profiles to determine whether payment instructions should include a credit payment or a debit payment, wherein the generating step is used where the payment instructions include a credit payment and wherein a separate step is used of electronically transferring funds from the buyer to the acquirer where the payment instructions include a debit payment.

Slater et al. (US Patent 6,098,053) teaches a method utilizing merchant profiles to determine whether payment instructions should include a credit payment or a debit payment, wherein the generating step is used where the payment instructions include a credit payment and wherein a separate step is used of electronically transferring funds from the buyer to the acquirer where the payment instructions include a debit payment see (US Patent Number 6,098,053, col. 1, lines 18-21, 29-30, and 40-44 and col.2 lines 12-17).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the knowledge set forth by Thomas A. Johnson and Mie-Yun Lee to see that the purchaser of the accounts receivable is able to allow customers to make payments against accounts payable by using all electronic forms funds transfer.

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As per Claim 3, A system for pushing credit payments as buyer initiated transactions, comprising: a purchasing management system associated with a buyer, the buyer having an accounts payable;
an acquirer computer system configured to receive electronically payment instructions from the purchasing management system, the computer system being associated with an entity that buys credit card receipts from merchants,(Thomas A. Johnson Internal Auditing. Accounts Receivable Financing Boston: Fall 1990. Vol.6, Iss. 2; pg 61; Abstract Summary line 4);

Johnson does not specifically disclose wherein the acquirer computer system is further configured to generate a pseudo-credit transaction based upon the payment instructions, the credit transaction representing the buyer initiated payment; and wherein the acquirer computer system is further configured to settle the pseudo-credit transaction.

Slater et al (US Patent Number 6,098,053) discloses wherein the acquirer computer system is further configured to generate a pseudo-credit transaction based upon the payment instructions, the credit transaction representing the buyer initiated payment; and wherein the acquirer computer system is further configured to settle the pseudo-credit transaction (US Patent Number 6,098,053, col. 1, lines 18-21, 29-30, and 40-44 and col.2 lines 12-17).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the knowledge set forth by Thomas A. Johnson and Slater et al. to see that the purchaser of the accounts receivable is able to allow customers to make payments against accounts payable by using all electronic forms funds transfer.

As per Claim 4, Thomas A. Johnson a system wherein the purchasing management system is configured to utilize merchant profiles to determine whether payment instructions should include a credit payment or a debit payment, such that a pseudo-credit transaction is generated where the payment instructions include a credit payment and such that funds are electronically transferred from the buyer to the acquirer where the payment instructions include a debit payment.

Slater et al (US Patent Number 6,098,053) a system wherein the purchasing management system is configured to utilize merchant profiles to determine whether payment instructions should include a credit payment or a debit payment, such that a pseudo-credit transaction is generated where the payment instructions include a credit payment and such that funds are electronically transferred from the buyer to the acquirer where the payment instructions include a debit payment (US Patent Number 6,098,053, col. 1, lines 18-21, 29-30, and 40-44 and col.2 lines 12-17).

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Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the knowledge set forth by Thomas A. Johnson and Slater et al. to see that the purchaser of the accounts receivable is able to allow customers to make payments against accounts payable by using all electronic forms funds transfer.

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Conclusion

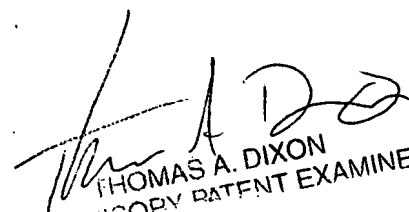
Any inquiry concerning this communication from the examiner should be directed to Kwelli D. Sneed whose telephone number is (571) 270-3446. The examiner can normally be reached Monday –Thursday 7:00 am 4:40 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas A. Dixon can be reached on (571) 272-6708.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status Information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. Should you have any questions about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kwelli Sneed

Examiner

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THOMAS A. DIXON
SUPERVISORY PATENT EXAMINER